

**Village of Indian Head Park
201 Acacia Drive
Indian Head Park, IL 60525**

**MINUTES
VILLAGE OF INDIAN HEAD PARK
PLANNING AND ZONING COMMISSION
CONTINUATION OF PUBLIC HEARING**

"Pursuant to 5 ILCS 120/2.06 (3) minutes of public meetings shall include, but need not be limited to: a general description of all matters proposed, discussed, or decided, and a record of votes taken."

**Tuesday, September 4, 2012
7:30 P.M.**

CALL TO ORDER – CHAIRPERSON NOREEN COSTELLOE

A continuation of the public hearing regarding Petition #177 was held by the Village of Indian Head Park Planning and Zoning Commission on Tuesday, September 4, 2012, at the Municipal Facility, 201 Acacia Drive. Zoning Petition #177 was previously presented to the Commission by Mr. Anastasios Katris, owner of the property at 11165 Ashbrook Lane at the last zoning meeting. Mr. Katris is requesting an amendment to the Ashbrook Development Planned Unit Development and variances to allow for the construction of a patio/deck open trellis and retaining wall in the rear of the property that encroaches the rear yard setback. The meeting was convened and called to order at 7:30 p.m. by Chairperson Noreen Costelloe.

ROLL CALL: PRESENT (AND CONSTITUTING A QUORUM):

Chairperson Noreen Costelloe
Commissioner Diane Andrews
Commissioner Noreen Costelloe
Commissioner Timothy Kyzivat
Commissioner Earl O'Malley
Commissioner Robert Tantillo

NOT PRESENT:

Commissioner Jack Yelnick

ALSO PRESENT:

Harry Fournier, Counsel for Mr. Katris

PLEDGE OF ALLEGIANCE TO THE FLAG

Chairperson Noreen Costelloe and the Planning and Zoning Commission members led the audience in reciting the Pledge of Allegiance to the Flag as follows: ***"I Pledge Allegiance to the Flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all"***.

QUESTIONS AND/OR COMMENTS FROM INDIAN HEAD PARK RESIDENTS/PROPERTY OWNERS IN ATTENDANCE REGARDING ZONING AGENDA ITEMS

None

PUBLIC HEARING HELD BEFORE THE VILLAGE OF INDIAN HEAD PARK PLANNING AND ZONING COMMISSION (PUBLIC COMMENTS RECEIVED AFTER DISCUSSIONS BY THE PLANNING AND ZONING COMMISSION MEMBERS AND PRIOR TO VOTES)

ZONING AGENDA ITEMS:

- 1. Petition #177 - A Petition for an amendment to the Ashbrook Development Planned Unit Development and rear yard variance concerning a request for an above grade patio area with an open arbor roof and retaining wall that encroaches the rear yard setback at 11165 Ashbrook Lane, Indian Head Park.**

Chairperson Costelloe stated the public hearing regarding Petition #177 was continued to this evening to allow the petitioner additional time to gather information to be presented to the Commission. Commissioner Costelloe further stated that additional information was submitted by Mr. Katris' representative to the Village just prior to the meeting this evening.

Chairperson Costelloe pointed out that there has never been such a substantial rear yard variance granted previously by the Planning and Zoning Commission (a variance of about nineteen feet (19') into the rear yard setback. She suggested that this zoning matter be continued to the October 2nd zoning meeting to allow the petitioner to present compelling reasons why the Commission should consider such a wide variance.

Mr. Fournier, Mr. Katris' counsel, stated that the Commission previously granted a substantial variance for a swimming pool in Ashbrook.

Chairperson Costelloe stated that there are regulations for in-ground swimming pools which are for recreational purposes and they do not fall within the same category of above grade structures that encroach into setbacks. Mr. Fournier stated that approval was given by both associations in Ashbrook and the pergola/patio adds value to the neighborhood and is not an eyesore.

Chairperson Costelloe stated that the Commission is not deliberating on this matter tonight, the public hearing will be continued to the October 2nd meeting and any new information submitted by the petitioner will be considered by the Commission. Mr. Fournier stated that an approval letter from the Ashbrook Single Family Homeowner Association was obtained as well as approval from the Ashbrook Townhome Association. He noted that the only approval from the Village he could locate was a paid contractor business license application obtained by the landscape contractor on August, 2011 and a timeline on the project was prepared. Mr. Fournier stated that he spoke with Village Administrator Frank Alonzo who also spoke to Roy, the inspector at the time while the project was underway.

Mr. Fournier stated that the landscape contractor had a copy of the original plat of survey with a sketch of the pergola and patio that would be built which he indicated that he spoke to the Village about the initial plan. However, there is no copy of that draft plan or permit issued by the Village to produce to the Commission. Mr. Fournier further stated that he does not believe that there is any additional information to provide to the Commission on this project.

Commissioner Earl O'Malley stated that he concurs with Chairperson Costelloe that a nineteen foot (19') rear yard encroachment is a substantial rear yard variance (about a 47.5% variance) and it not aware of the Commission granting such a wide variance. Mr. Fournier stated when you look at the original patio that was in place compared to the new patio which is slightly larger, there is not much difference in the dimensions. Mr. Fournier stated that a variance was granted for another single family home for a patio and pergola in Ashbrook .

Mr. Fournier stated that he acknowledges there was some lack of communication between the owner and contractor on the project and Mr. Katris is trying to do what is necessary to bring closure to this project.

He further stated that he hoped the Commission's decision to approve the patio and pergola would not be based with an unbiased mind that had the project been completed with the proper process the Commission may have approved it anyway.

Chairperson Costelloe stated that the Commission is reviewing this petition as if the project had not yet been done, at times some modifications to plans are made at the Commission level to minimize the percentage of variances or to make the plan work and now it is after the fact so the Commission must consider the project as completed.

Commissioner Andrews asked if the patio that was removed had a retaining wall built around it to support the patio. Mr. Fournier stated that the previous patio that was removed was an at-grade slab with no footings that had some brick around it under one-foot with no retaining wall. He noted that due to the settling of the patio, there was a trip hazard coming out of the back of the house and the new patio was raised with one step down to the new patio.

Commissioner Kyzivat stated that concrete areas sometimes settle over time and the homes in Ashbrook were built in the 1990's.

Chairperson Noreen Costelloe entertained a motion to continue the public hearing regarding Petition #177 to the October 2, 2012 meeting. Commissioner Andrews moved, seconded by Commissioner O'Malley, to continue the public hearing to the October 2, 2012 meeting. Carried by unanimous roll call vote (5/0/1).

Aye: Chairperson Noreen Costelloe

Commissioners: Andrews, O'Malley, Kyzivat, Tantillo

Nay: None

Absent: Yelnick

APPROVAL OF PLANNING AND ZONING COMMISSION MINUTES

After review of prior meeting minutes, Commissioner Andrews moved, seconded by Commissioner O'Malley to approve minutes presented to the Commission. Carried by unanimous voice vote (5/0/1)

ADJOURNMENT

There being no further business to discuss before the Commission, Commissioner O'Malley moved, seconded by Commissioner Tantillo, to adjourn the meeting at 8:05 p.m. Carried by unanimous voice vote (5/0/1).

Respectfully Submitted,
Kathy Leach, Recording Secretary
Planning and Zoning Commission